

TEMPORARY EASEMENT FOR CONSTRUCTION

KNOW ALL BY THESE PRESENTS:

That **Lynda Leonhard and Tammy L. Harrington** (hereinafter called "Grantors") in consideration of mutual benefit and other valuable consideration in hand paid by the City of Ankeny, Iowa upon final approval and acceptance of this easement do hereby convey unto the City of Ankeny, Iowa, a municipal corporation, in the County of Polk, State of Iowa, a temporary easement across the following described real estate:

As per attached exhibit

That said easement is granted unto the City of Ankeny, Iowa, for the purpose of the access, construction, installation and repair of the following described public improvement:

SE Tributary (B) to Fourmile Creek – Stream Stabilization Project

In connection herewith it is specifically agreed that by this easement, the City of Ankeny shall have the right to enter upon said premises as shall be necessary to construct, inspect, and repair, any and all of said improvements and all appurtenances thereto, together with the right to use said improvements as it deems necessary, subject to the following terms and conditions.

1. Easement is granted for the period of September 15, 2010 until September 15, 2011 or until the project is finished to the grantors satisfaction or a written extension is executed by both parties.
2. The Stream Stabilization Project is as outlined in the June 25, 2010 diagram, with the addition of stone toe protection on the south border of the property in the area shown on the diagram as native seeding. Any other modifications to the plan must be approved by the grantors in writing prior to execution.
3. All trees/shrub areas that are designated to be protected in the diagram, if damaged, will be replaced at full value by the City prior to the project completion.
4. Sod replacement and grading will be completed prior to project termination. Grading/sod replacement will be to replace any areas disturbed during the stream stabilization project and will be done to the satisfaction of the grantors. Cost to be covered by the City, not grantors.
5. In-ground sprinkler replacement/repairs – the City will allow sufficient time for the grantors to have the repairs made to the system after grading but before sod replacement so that the sod will not be disturbed during sprinkler replacement. Costs to be covered by the City, not grantors, for all sprinkler line work related to line termination and repairs as a direct result of the project.
6. Any erosion that occurs during the project as a result of project delays or implementation will be rectified by the City prior to termination of the easement and all monies associated with the repairs will be covered by the project funds and not the grantors.

7. Tree replacement at the end of the project will be done based on the amount of monies available.
8. If the project runs over budget, the City, its consultants, contractors, subcontractors or associated parties will not seek reimbursement from the grantors.

That the grantors do hereby covenant with said grantee, and successors in interest, that said grantors hold said real estate by title and fee simple; that they have good and lawful authority to sell and convey the same; that said premises are free and clear of all liens and encumbrances whatsoever except as may be hereinabove stated; that said grantors covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever, except as may be above stated.

IN WITNESS WHEREOF WE have hereunto affixed our hands this 12th day of August, 2010.

BY: Lynda Leonhard
Lynda Leonhard



BY: Tammy L. Harrington
Tammy L. Harrington

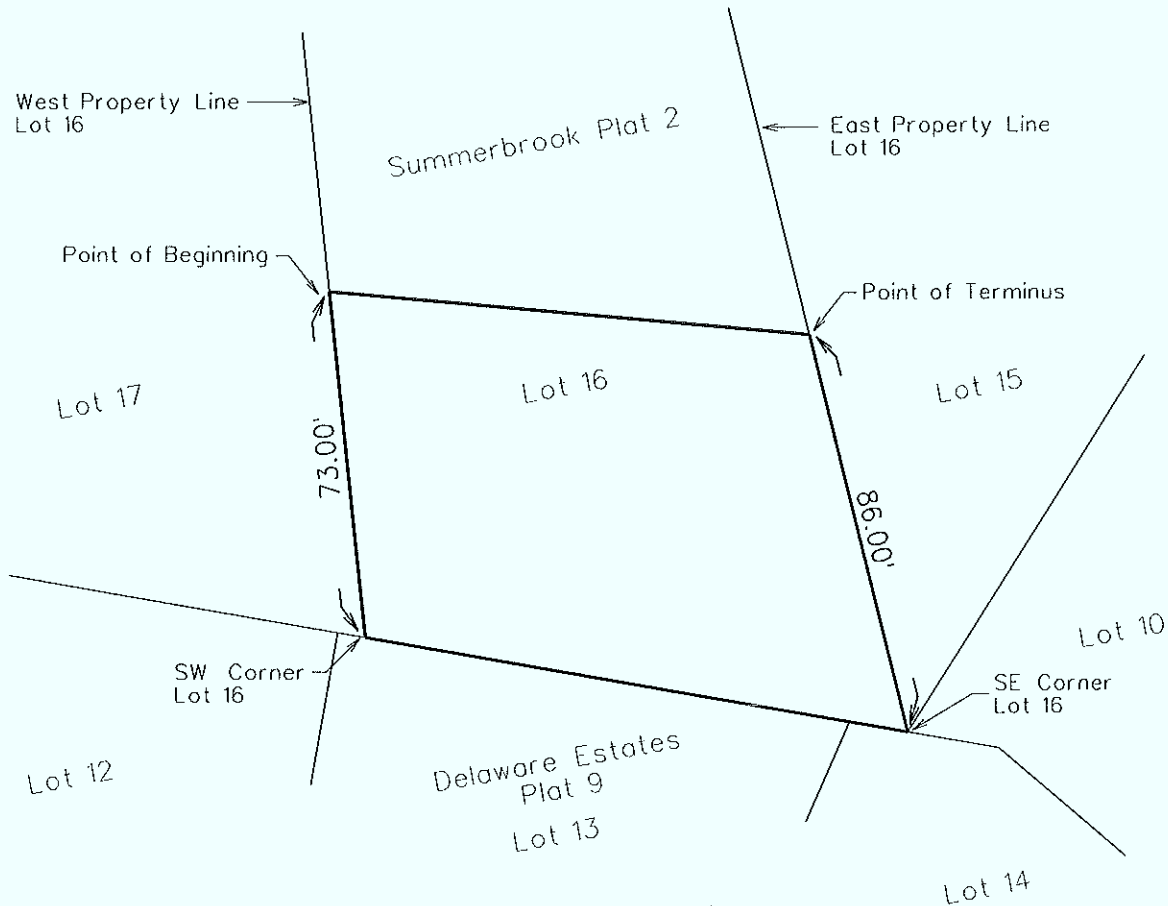
STATE OF IOWA :
: ss.
COUNTY OF POLK :

On the 12th day of August, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Lynda Leonhard and Tammy Harrington to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as a voluntary act and deed.

Kathy Steeples
Notary in and for the State of Iowa

My Commission Expires 8-22-13

TEMPORARY CONSTRUCTION EASEMENT

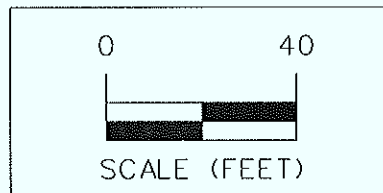


Temporary Construction Easement Description:

A part of Lot 16, Summerbrook Plat 2, an Official Plat in the City of Ankeny, Polk County, Iowa and lying South of the following described line:

Beginning at a point on the West line of said Lot 16 being 73.00 feet North of the Southwest corner thereof; Thence East to a Point of Terminus on the East line of said Lot 16, said point being 86.00 feet North of the Southeast corner thereof.

Described Temporary Construction Easement contains 8,234 S.F.



LEGEND

Property Line —————
Temporary Easement Line —————

SE TRIBUTARY (B) TO FOUR MILE CREEK

PARCEL 6 - LYNDIA LEONHARD



SNYDER & ASSOCIATES
Engineers and Planners

2727 S.W. SNYDER BLVD.
ANKENY, IA 50023 (515) 964-2020

SHEET 1 OF 1

PN: 1100450

SCALE: 1" = 40'

DATE: 06/24/10

TECH: JCC